



UNITED STATES PATENT AND TRADEMARK OFFICE

m/

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,216	01/16/2002	Bert Peeters	111353	4400
27074	7590	04/20/2007		
OLIFF & BERRIDGE, PLC. P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER ROHWER, JACOB P	
			ART UNIT	PAPER NUMBER
			2625	
			NOTIFICATION DATE	DELIVERY MODE
			04/20/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction27074@oliff.com
jarmstrong@oliff.com

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/046,216	Applicant(s) PEETERS, BERT	
	Examiner Jacob P. Rohwer	Art Unit 2625	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-20.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

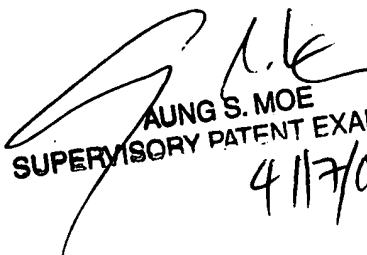
11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Attached Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

Applicant's arguments filed on the 30 of March 2007 have been fully considered, and upon further review and consultation, are not persuasive. More specifically, applicant argues that it would not have been obvious to combine the White, Van Luchene, and Uchiyama References in order to obtain the inventions as specified in claims 1 and 13. While reconsidering the references at hand, the examiner has consulted his supervisor and former primary examiner in order to receive additional thoughts and opinions regarding the issues at hand. An explanation and response to these issues and the arguments set forth by the applicant is addressed below.

First of all, applicant argues that Van Luchene is not combinable with White due to the fact, that in applicant's opinion, they are not from the same field of endeavor relating to applicant's invention. Applicant goes on to cite the portion of the MPEP 2141.01(a) which provides that "in order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of Applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." and further provides "a reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering the problem." Applicant then argues that the instant application is not directed towards using the concept of upsells, as specified in Van Luchene, and therefore Van Luchene is not analogous art making the previous rejection improper. Furthermore, applicant then argues that there is a lack of specific evidence providing suggestion or motivation for combination. (Pages 4-5 of arguments) In response, examiner notes that the teaching in Van Luchene relied upon by the office, is reasonably pertinent to the invention at hand due to the fact that it discloses specifics of calculating and presenting a bill to a customer using local resources, which is hinted on by the White Reference as specified in the previous rejection. Please see White Para [0017] Lin 16-18 where it discloses device billing attributes can be stored locally, but does not expressly disclose that all the functions of the billing manager are included in the local processing. This is where the Van Luchene Reference is relied upon to teach the claimed invention. In Van Luchene Fig 1 #12, 14, 22, 24 and 28 (Also see Fig 4 with regard to Fig 1 #24 and see Fig 6 with regard to Fig 1 #28) and Col 3 Lin 29-31, it is disclosed that a processor and storage elements can be provided locally, within a single computer in order to determine a total cost to be presented to the user. This disclosure, in light of the embodiment specified in White Para [0017] Lin 16-18, teaches the claim limitations as previously submitted, and furthermore the disclosure is deemed pertinent to the concepts of the current invention. In summary, in view of Van Luchene, it would have been obvious to include the entirety of the disclosed functions of the billing manager (the storage and retrieval of product usage and the calculation of the total cost) in the local processor as disclosed in White.

Next, the argument regarding suggestion and/or motivation for combination of References will be addressed. While addressing this argument examiner will incorporate the applicant's arguments regarding further combination using the Uchiyama Reference. In submitting these arguments, applicant points to the issue that proper combination is not warranted due to the fact that the White Reference requires authorization which relies on the presence of a network, while Uchiyama discloses a business transaction data accumulating system that can continue to operate despite a communication failure, therefore teaching away from the White Reference. In response to this argument, examiner notes that Uchiyama discloses a system where the communication line failure is directed toward a failure to communicate with the business transaction data accumulating device. (Col 2 Lin 57-65) This disclosure addresses the issue of providing motivation that it would have been obvious to modify White to include the local processing as specified above, in order to address the issue where communication between the billing manager and the printer fails. This does not explicitly teach that all network communication fails as argued by the applicant. More specifically, through different or multiple connection channels, the printer communication with the billing manager could fail, while still being able to accept authorization and print jobs from a user via a network. Furthermore, even if all network communication fails as argued, it is well known in the art that printers queue job previously sent to the printer in a case where a printer is incapable of keeping up with the required output. Therefore, the printer of White using local processors and product usage storage could still be able to output print jobs, even in the case of complete network failure. Therefore, the motivation providing the combination of References is addressed as specified above using the Uchiyama Reference.

In conclusion, upon further review and consultation, the examiner and the office have found the combination of White, Van Luchene and Uchiyama References to be proper while specifying the claimed limitations as specified in claims 1 and 13.


AUNG S. MOE
SUPERVISORY PATENT EXAMINER
4/17/07


4/17/07